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The Interplay of Interactional Goals, Cultural Norms, and Impression Management Strategies in Delta State Courtroom Discourse

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Abstract

This study examines the interplay of interactional goals, cultural norms, and impression management strategies in Delta State courtroom interactions. It is a qualitative research that explores the social exchange involved in the courtroom. Its data, drawn from audio recordings of High Court proceedings in Delta State, are transcribed using Jefferson's (2004) standard transcription system. By employing the theoretic framework of Rapport Management (RM) and the notion of Impression Management (IM), the study analyses the impression management techniques that courtroom participants deploy to achieve desired goals. The influencing role of cultural norms in terms of how they determine the IM strategy choice is also explored. The findings reveal that the deployment of IM strategies earns interactants the achievement or unrealisation of interactional goals. Interactants often express emotions of anger and frustration when their interactional goals are not realised through various forms, such as, heightened speech, emphasised words or repetition of specific utterances, and statements of disagreements. Cultural norms sometimes inform courtroom practices like the opening formalities and general conduct of participants; they also influence participants' choice and use of IM tactics. The study concludes that judicial rulings are influenced by an interplay of diverse impressions that are created in the courtroom interaction through different IM strategies, influenced by certain cultural norms, aimed at achieving desired interactional goals.

Keywords: interactional goals, cultural norms, IM strategies, interactants, courtroom discourse

Introduction

Individuals approach a verbal exchange with diverse interactional goals in mind and they achieve such goals by employing various impression management (IM) strategies, which are sometimes influenced by cultural norms. According to Spencer-Oatey (2008), interactional goals are the specific task and/or relational goals that people may have when they interact with others. Goals are mental representations of a desired end-state, which individuals strive to attain in interpersonal communication (Berger, 2007, Palomares, 2014). Diverse typologies have been proposed to characterise interactional goals, one of which is the tripartite typology: instrumental, relational, and identity (Wilson & Putman, 1990; Rogan & La France, 2003) that other scholars have further categorised. Spencer-Oatey's (2008) transactional goal is similar to Wilson & Putman's (1990) instrumental goal as both acknowledge this goal type to be task-oriented in nature.

Lawyers mostly have this instrumental goal in mind when they adjudicate cases in the law courts. Since goals are fluid, malleable, and adaptive to interpersonal influences (Keck & Samp, 2007), this goal sometimes changes based on certain circumstances. For instance, one might begin a conversation with a focus on instrumental goals, "but interacting with an insulting counterpart may increase concern with one's image and lead to an increased focus on identity goals" (Zhang et al, 2014). Additionally, because interactional goals can significantly affect individual's perceptions, any failure to achieve them can cause frustration and annoyance (Spencer-Oatey, 2008). To achieve their goals for any interaction, therefore, humans consciously, unconsciously, or sub-consciously employ different IM tactics that are sometimes influenced by cultural norms.

The notion of cultural norms thus plays a vital role in social exchanges where participants draw on various IM strategies to attain desired aims. In most interactions, interactants are often guided by the principles or norms guiding the conversations in such a setting, notwithstanding the multi-faceted conversational environments that exist. The courtroom is one of these environments and it is characterised by cultural norms and practices (intrinsic and extrinsic) that affect directly or indirectly interactants' verbal and non-verbal dispositions. Intrinsic norms and practices in the courtroom are those legal principles that determine courtroom interactants' verbal or non-verbal behaviour. Extrinsic norms, on the other hand, relate to external influences from the environment and culture generally, which sometimes affect courtroom discourse. Both intrinsic and extrinsic cultural norms and practices influence the IM strategies lawyers use to achieve their interactional goals in the courtroom, which is to prove the merits of their case.

Although existing studies highlight the interplay of impression management and different phenomena, this research advances literature on IM by providing insights on the interplay of the socio-pragmatic factors of interactional goals, cultural norms, and IM strategies in courtroom discourse. It investigates the connectedness of the three concepts with the aim of revealing how they mediate courtroom proceedings and consequently judicial decisions.

Review of Scholarship

Research on IM and the notions of cultural norms and interactional goals have attracted the interests of scholars in various fields for decades, ranging from social psychology, organisational culture/institutional discourse, pragmatics and conversation analysis to law. Most of these works emphasise the importance and impact of IM strategies used to achieve desired goals in the respective domains (Kurman, 2001; Harris et al, 2013; Bolino et al, 2016).

On the use of IM in courtroom discourse, some scholars focus on identity management and suggest that impression management is used by lawyers to construct a particular identity type and to achieve specific goals, including persuading the jury or the judge to accept one's stance (Hobbs, 2003; Rosulek, 2007; and Chaemsaithong, 2012). Other studies emphasise the reason for which interactants deploy impression management tactics (Sanderson, 1995; Patrick, 2018; and Varga, 2020). Whereas Sanderson (1995) claims that face concerns constitute one major reason interactants make use of IM strategies in courtroom discourse, Patrick and Varga focus on different IM strategies used to influence a jury.

From Patrick's (2018) findings, the jury is not necessarily impressed by the Investigating Officer's use of "highbrow language," but by his use of straightforward language to provide an easy-to-follow roadmap of the evidence in the case. This helps the judge to effectively deliver judgment on the case. Varga's (2020) study shares some similarities with Patrick's work in terms of a preoccupation with various linguistic strategies of IM used by courtroom participants but concludes that defendants use substantially more types of linguistic IM strategies than witnesses, because their goal is to avoid penalties or to receive less severe ones.

A different approach is, however, taken by Hayes et al.'s (2020) ethnographic research which adopts Foucault's (1977) concept of disciplinary power and Goffman's (1959) notion of IM or facework in the study of protest trials. The results show that while the trial upholds the terms of the right to direct action protest, it does so by placing significant restrictions on what legitimate public protest is and how a legitimate public protester can present themselves in court. Although this work, as well as Sanderson's (1995) insights relate useful resources to understanding and explaining the philosophy that lies behind how participants interact in the

courtroom or even during normal conversation, they nonetheless ignore other aspects, such as interactional goals (Spencer-Oatey, 2008) and the mediating role of cultural norms in determining the choice of IM strategies used by courtroom participants. This constitutes a gap, which the current study intends to fill.

Notwithstanding the domain where IM is applied, Singh et al (cited in Fapohunda, 2017) note that people's main goal for managing the impression they generate is in order to build "enviable distinctiveness," through which their public selves draw closer to their model selves. Individuals consequently try to manipulate how they are seen, and by extension the ways in which others treat them; and the outcome of such behaviours could openly influence material results. In situations where the results are not positively inclined or not the desired ones, people change their tactics of generating desired impressions of themselves by employing corrective adjustments through the use of impression management tactics (Haber and Tesoriero, 2018; Tsai and Huang, 2014).
From the review of related scholarship so far, this study is justified in terms of the study area (Delta State), the nature of data (naturally occurring data) and the methodology employed. Specifically, the interplay of interactional goals, cultural norms and IM strategies, with the attendant influences on judicial processes and interpretations has not been adequately explored, at least, to the best of the knowledge of the researcher. This study is, therefore, unique and is arguably bound to provide more insight into the nature of courtroom interaction, especially with regards to the interactional principles that mediate court proceedings and decisions.

Theoretical Framework

This research falls within the purview of legal pragmatics and forensic linguistics. It adopts, as theoretical framework, Spencer-Oatey's (2008) Rapport Management (RM) and the notion of IM. RM emerged as a reaction to Brown and Levinson's model, largely

criticised for its failure to acknowledge the interpersonal and social perspective of "face," and its over-emphasis on the notions of freedom and autonomy (Matsumoto, cited in Spencer-Oatey, 2008). In reacting to these criticisms, Spencer-Oatey proposes a modified framework, called rapport management (RM), that builds on the politeness model in relation to the concept of face. She posits that rapport management is the management of harmony or disharmony among people, and maintains that the model entails three interconnected components, namely: the management of face, the management of sociality rights and obligations, and the management of interactional goals. These components, according to Spencer-Oatey, also constitute three factors that influence people's desires to create specific impressions of themselves during any conversation (Spencer-Oatey, 2008). These three factors or components (influencing people's acts of impression management) form the point of convergence between the fields of RM and IM.

Although the notion of IM is originally introduced by Goffman (1956) and developed further by Leary & Kowalski (1990), Spencer-Oatey's view on the concept appears broader and more encompassing. Goffman, who first conceptualises the notion, posits that IM entails self-presentation and suggests that people project themselves in certain ways because they are aware of the perception others hold concerning them, as well as the implications of these perceptions. This projection, according to Goffman, is aimed at maintaining "face concerns" or positive personal values.
Goffman's (1956) notion of IM emphasises face sensitivities alone and does not capture other reasons underlying people's desire to create an impression. It is this limitation that Spencer-Oatey's (2008) RM attempts to overcome when she opines that people's desire to create an impression is influenced by three factors: the management of face, sociality rights/obligations, and interactional goals. The management of face deals with people's sense of worth, dignity, honour, reputation and competence, while the management of interactional goals focuses on the specific task

and/or relational goals that people may have when they converse with others. The management of sociality rights and obligations involves people's concerns over fairness, consideration and behavioural appropriateness.

To manage face, sociality rights and interactional goals, interactants employ certain linguistic strategies. These strategies are encapsulated in the general impression management strategies that exist in the literature, including ingratiation, self-promotion, exemplification, intimidation, supplication, conformity, apologies and excuses (Tsai and Huang, 2014; Gwal, 2015; Haber and Tesoriero, 2018).

Methodology

The study is a qualitative research, as it is language-based, emergent and interpretive in nature. The data comprise audio recordings of naturally occurring speech of participants in the courtroom and personal observations of courtroom procedures and interactions. For ethical considerations, the researcher obtained permission from the office of the Chief Judge of Delta State, who sent a memorandum to all the Registrars of the selected high court divisions, which enabled the researcher to collect relevant data.

The audio recordings from live court sessions are first transcribed using Jefferson's (2004) standard transcription method and then subjected to the analytical procedures of Spencer-Oatey's (2008) RM and the concept of impression management. Emphasis is placed on the impression management strategies employed by courtroom participants in the management of interactional goals. Selected IM strategies are used to juxtapose the interrelationship and influence of cultural norms and interactional goals on courtroom discourse.

Data Presentation and Analysis

The analysis of the IM strategies (mediated by cultural norms) courtroom participants employ in the management of interactional

goals are examined in terms of how they influence court proceedings and judicial decisions. The following extracts from live court sessions in selected High Courts of Justice in Delta State are used to expound these points. The first is a civil case on land dispute while the second is a divorce suit.

In terms of the symbols that are used in the extracts, (.) indicates a micro-pause; (0.7) specifies a timed-pause; − refers to a dash which shows a cut-off; ↑ portrays the rising tone; ↓ signifies the falling tone; [ ] signifies square brackets that show where speech overlaps; > < symbolises arrows showing that the pace of the speech has quickened; < > suggests arrows showing that the pace of the speech has slowed down; ( ) signals an unclear section; (( )) portrays an entry requiring comment but without a symbol to explain it; __ portrays underlining which denotes a raise in volume or emphasis; ALL CAPS signals louder or shouted words; (h) signals laughter in the conversation; and = appears at the end of one sentence and the start of the next, indicating that there was no pause between them (Jefferson, 2004).

EXTRACT 1: Judge-Lawyer Discourse

1. JUDGE: What's your prayer?
2. DEFENCE COUNSEL: My prayer is for leave to amend our defence in prayer 1 (.) and 2 for leave to file ...
3. JUDGE: [Is the amendment tied to the introduction of the survey plan?]
4. DEFENCE COUNSEL: Yes sir.
5. JUDGE: Then probably the prayers should have been "leave to file the defence statement" and then "leave to amend the statement of defence" to reflect ( )
6. DEFENCE COUNSEL: [My lord we have ( )]
7. JUDGE: [Except you are telling me that the amendment goes beyond the introduction of the survey plan.]
8. DEFENCE COUNSEL: Not really sir.

9. JUDGE: Not really. Which one is "not really"?
10. DEFENCE COUNSEL: It's just to bring in the survey plan.
11. JUDGE: [Nothing more?]
12. DEFENCE COUNSEL: Nothing more my lord.
13. JUDGE: Are the amendments formulated?
14. DEFENCE COUNSEL: Yes sir (.) Paragraphs 14A and 14B of the prayer.
15. JUDGE: (( )) Yes↑ Mr. ....
16. CLAIMANT'S COUNSEL: My lord,
17. JUDGE: [Is the amendment carried?]
18. CLAIMANT'S COUNSEL: Yes (.) but it is not in every matter that you must file a survey plan >In this matter (.) the ( ) is in dispute (.) The land is 100 by 100 where they have inserted a filling station< They erected that filling station wrongly =Now the claimant has long closed his case (.) defence has commenced = The first defendant has ( ) brought this application= <Though I believe sir we can't shut them out from amending but I believe that this amendment is ab initio>

Source: Case 1, Record 20181107094212.3gpp

Analysis

In this text, the defence lawyer's goal for engaging in the discourse is to ask permission of the court to amend a part of his statement of defence. Initially, the judge seems willing to grant him his request, but the claimant's counsel sought to subtly frustrate the process. In a major turn in the interaction, the claimant's counsel employs the IM strategies of conformity and self-promotion to achieve his goal of frustrating the process of the defence counsel being granted his prayer.

The conformity strategy is used in the first word of turn 18: "Yes" when the claimant's lawyer pretends to agree that the amendment can be granted. Similar to the strategy employed here is what Aldridge & Luchjenbroers term the "false-friend strategy." In it, a lawyer positively acknowledges a witness's or the opponent's

expertise or displays sympathy with their position only to turn round and discredit the witness or opponent on the same point (cited in Kiguru, 2014). So, by responding in the affirmative (in turn 18) when asked by the judge in turn 17: "Is the amendment carried?" the lawyer gives the impression that he does not object to the defence lawyer's desire to amend his "statement of defence." However, his next words indicate the opposite, as he uses another strategy: the self-promotion strategy, to discredit the defence counsel's arguments. This is achieved with his use of the legal term "ab initio" to suggest to the court or the judge that the counsel ought to have added the survey plan to his statement of defence "from the beginning."

In the same turn (turn 18), the claimant's counsel emphasises his goal for the interaction in lines 3, 4 and 5 by uttering the statements there in high tones, as indicated by the underlining. The underlined expressions are also suggestive of his annoyance and dissatisfaction with the defence counsel for making the request later than when he ought to have done it. He further explains to the judge that on that basis, even though they are entitled by law to amend their defence when necessary, timing is a significant factor to be considered. This is what is implicated in the expression: "Though I believe sir we can't shut them out from amending, but I believe that this amendment is ab initio." The importance of timing is stressed in the claimant lawyer's utterance above through his use of the term "ab initio," meaning "from the beginning."

Suggestive, therefore, from the claimant counsel's use of the IM strategies of conformity and self-promotion is the impression that the defence lawyer is trying to delay the judicial process, through his delay tactic of applying for leave to amend his statement of defence. This projects the defence lawyer as one who is inconsiderate and unconcerned about the duration of a trial and its implications, because of (probably) ulterior motives.

The 18th turn in this discourse is also of significance by virtue of the way it is uttered - in a combination of high/low tones, and slow/quick paces, implying the emphasis that the claimant's lawyer attaches to some points that he raises. For instance, he hurries through the first part of the turn, marked by the > < symbol, and then he emphasises the point he makes in the middle of the turn, which is marked by the underlining. He implies from this portion that the defence lawyer's application is coming too late as the amendment ought to have been carried out at the beginning. Additionally, the claimant lawyer's use of the emphasised utterances clearly summarises his goal for the discourse: the defence lawyer is employing delay tactics in the matter, and as such the judge should not grant the application. His use of contradictory expressions is also significant in the turn, where he first states that the claimant's lawyer cannot be prevented from amending their process, but then added that the amendment ought to have been done at the beginning.

The influencing role of cultural norms in the judicial process is expressed in the use of a particular belief system. This is an example of extrinsic norm influencing courtroom proceedings. In using the self-promotion strategy, the claimant lawyer draws from the belief system that delay is the enemy of progress, when he insinuates that the defence lawyer is employing a delay tactic through his application (to be granted leave to amend his statement of defence). He feels that the defence lawyer, through his incompetence expressed in his failure to amend earlier, is trying to unnecessarily prolong the judicial process. This feeling or mindset of the claimant's lawyer thereby informs his reaction in turn 18, and it is suggestive of the influencing role the factor of cultural norms plays in courtroom participants' use of different IM strategies, as shown from the claimant lawyer's use of self-promotion and conformity IM strategies.

EXTRACT 2: Petitioner-Lawyer-Judge Interaction

1. PETITIONER'S LAWYER: Mr. ... (mentions the petitioner's name) (.) do you have anything to show that you are married to the respondent?
2. PETITIONER: Yes Sir. (0.5) (brings a document out)
3. PETITIONER'S LAWYER: What is that?
4. PETITIONER: My marriage certificate.

(The court clerk takes the document from the witness, … judge admits the document as evidence and marks it as an exhibit) (0.12)

5. JUDGE: Yes (.) Certified true copy of the marriage certificate is admitted in evidence as Exhibit AY
6. PETITIONER'S LAWYER: As the court pleases (Said by all.)
7. PETITIONER'S LAWYER: Did you agree with the respondent to file this suit?
8. JUDGE: [(To the lawyer) Under which section of the Marriage Act are you coming under?]
9. PETITIONER'S LAWYER: My Lord, we came under Section 2 (.) 15 (2) (c)
10. JUDGE: What is it that is in 15 (2) (c)?
11. PETITIONER'S LAWYER: (Citing the relevant section of the law) That the respondent has behaved in such a way
12. JUDGE: What did the respondent do?
13. PETITIONER'S LAWYER: My Lord, what the respondent did (.) they are contained in the facts (0.5)
14. JUDGE: Tell me, what did the respondent do exactly that you find it difficult to live with her?
15. PETITIONER'S LAWYER: Well My Lord, amongst other things, the respondent threatened to (.) poison the petitioner
16. JUDGE: When was this threat carried out? (0.4)
17. PETITIONER: The threat was carried out January, 2007
18. JUDGE: And you still live with her?
19. PETITIONER: She has since not been stable = she comes home anytime now = Sometimes she doesn't even come at all

20. What date is that? Because if you look at it (.) you don't actually live apart (.) You have a situation ( ) You still live with her?
21. PETITIONER: Yes
22. JUDGE: Did it happen when you wanted to marry her and you say you are not ready again
23. PETITIONER: No but now both of us are
24. JUDGE: But you've being having extra-marital affairs (.) Is there a woman that has agreed to marry you?
25. PETITIONER: For now "yes"
26. JUDGE: [Yet you've not sent her away? What is it then that you want me to do when you have not sent her away]
27. PETITIONER: I can't do it
28. JUDGE: Yes, but you can live apart for two years and then you come and proceed with your divorce plans.
29. PETITIONER: It's two years now (.) this month makes it two years now.
30. JUDGE: [Preceding when you file for a dissolution of marriage (.) So you can withdraw this one and then file another one (.) But if you want to go on with this one (.) because you still have time (.) but I will not just give you for giving sake (.) having not satisfied that you have fulfilled the requirements
…
31. PETITIONER'S LAWYER: We have viewed Section 16 ..... If the petitioner ..... dissolution of marriage ..... specifically 15 (2c)
32. JUDGE: [15 (2c) where he does what?]
33. PETITIONER'S LAWYER: If
34. JUDGE: [Yes]
35. PETITIONER'S LAWYER: If the petitioner satisfies the clause that "...the couple live (.) for not less than two years in habitual mode (.) habitually being ...."
36. JUDGE: <You have not satisfied any of these requirements in the law (.) You must (.) When you are coming under 15 (2c) you must fall within any of these things …

Source: Case 5, Record20190402105331.3gpp

Analysis

This extract is an examination-in-chief discourse where the petitioner's lawyer takes evidence from his client, the petitioner, who is at the witness box giving his oral testimony. In contrast to a cross-examination which is somewhat antagonistic in nature (Ainsworth, 2015), this discourse simply provides an avenue for the witness' lawyer to lead the witness to confirm all the information he or she has sworn to in the witness' written statement of oath. Thus, it is mainly filled with confirmatory expressions. Turns 1, 2, 3 and 4 exemplify this point.

From the petitioner's lawyer's questions and the petitioner's responses, it is indicative that the petitioner is legally married to the respondent whom he has filed this divorce suit against. The petitioner's lawyer's utterance in turn 15 states exactly the reason for the petitioner's decision to file the suit. Despite the fact that the process of examination-in-chief is overseen by the petitioner's lawyer, the judge by reason of his discretionary power, may decide to interrupt certain aspects of the discourse in order to achieve specific goals.

On that basis, the discourse is intermittently characterised by interrogations from the judge to both the petitioner and his lawyer, aimed at eliciting relevant information on the matter. Eventually, the judge takes over the process, when he suspects that the petitioner has not followed due process in filing for the divorce against his wife. For instance, in turn 8, the judge interrupts the process and asks the petitioner's lawyer:

"Under which section of the Marriage Act are you coming under?"

This question suggests to him that his actions ought to be backed not just by the law guiding the dissolution of marriage alone, but more importantly by the relevant part of the law. The judge is not satisfied with the lawyer's response to the question as turns 9 to 13

show. He then employs the IM strategy of intimidation to ask the petitioner directly in turn 14: "Tell me, what did the respondent do exactly that you find it difficult to live with her?"

Based on the further responses from both the petitioner and the lawyer, the judge realises that certain things are not right about the initiation of the divorce suit and he, from this point on, completely takes over the process of examination-in-chief. His suspicions are justified, since it is later revealed that the petitioner has not fulfilled the requirements permitting him to initiate the suit. Consequently, the judge advises him to withdraw the said suit, completely fulfil the requirements, and then file for a divorce.

Whereas, the intimidation strategy is deployed by the judge, supplication strategy is used by the petitioner to create the impression that his life is in danger, hence the necessity of his initiation of the divorce suit. This constitutes his goal for the interaction. At first, the petitioner gives the impression that he no longer feels safe living with the respondent hence his desire to end the marriage. Upon investigations, however, he reveals that the woman (his wife) is still living in the same house with him, although coming in anytime she likes, and he already has a concubine whom he is planning to marry. The judge then discovers that his real motive for the divorce is to have the legal right to marry his concubine. His use of the supplication strategy is, therefore, fake and the judge deciphers his true intention after intimidating him with fundamental questions, as well as lecturing both the petitioner and his lawyer on the requirements for filing for a dissolution of marriage, summarised in turn 36.

The role of cultural norms also plays a significant role in this discourse. This discourse is heavily marked with the norms of marriage sustenance. The law institution recognises the fact that if specific conditions are not given to drive the process of dissolving marriages, there will be numerous divorces taking place almost on

a daily basis. This would erode the important virtue of forbearance in marriage. The judge's insistence that he cannot grant the petitioner's divorce request because he has not fulfilled the prerequisites for marriage dissolution, is informed by this notion of marriage sustenance, and it highlights the mediating role of cultural norms on judicial proceedings and decisions.

Findings and Conclusion

From the analysis, it is revealed that courtroom interactants deploy various IM strategies to project themselves or others in a certain light, with the intention of managing either personal or group interactional goals. Specifically, lawyers sometimes deploy the IM strategies of intimidation and self-promotion to discredit the statements of a witness/litigant or the arguments of opposing lawyers and thereby achieve their clients' goals. While in certain instances, the deployment of these IM strategies earns interactants the achievement of personal or group interactional goals; in other circumstances, the use of the IM strategies produces a negative result, probably due to a misapplication of the law or selfish underlying motives.

Also, in the process of deploying these strategies, interactants sometimes express the emotions of anger and frustration when the goals are not being realised through various forms, such as, heightened speech; emphasised words or repetition of specific utterances; and statements of disagreements. In addition, the use of these strategies is sometimes influenced by specific cultural norms, in the form of patterns, values, attitudes, feelings, belief systems, practices and traditions. These cultural norms do not only determine the choice of IM strategy employed, but also actually mediate legal processes, interpretations and decisions. The perceptions that are formed ultimately have diverse implications in the courtroom where the judge relies on such perceptions, in addition to other factors, in making orders or generally adjudicating over trials.

This study has thus provided more insight into the nature of courtroom interactions. It has established the interconnectedness of cultural norms, IM strategies and interactional goals with the attendant influences on judicial processes and decisions by examining, specifically, naturally occurring data in Delta State High Courts of Justice.

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